

IPW

PATENT
Attorney Docket No.: 2002-IP-008437 U1 USA



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: David J. Steele et al.
 Serial No.: 10/773,899
 Filed: February 6, 2004
 Entitled: MULTI-LAYERED WELLBORE
 JUNCTION

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

As listed on the accompanying form PTO-SB-08, the Applicants hereby call the examiner's attention to the following information of which they are aware, in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56. Copies of the listed references, other than U.S. patents, are enclosed with this Information Disclosure Statement.

U.S. Patents:

5,479,986	6,026,903	5,979,560	6,253,852	5,330,007	5,388,648
5,655,602	5,695,008	5,718,288	6,252,852	6,336,507	6,564,867
6,056,059	6,089,320	5,613,557	6,253,850	6,703,095	5,350,481
6,648,075	4,982,625				

Published U. S. Patent Applications:

2002/0033261

Foreign Patent Documents:

WO 02/29207	WO 02/29208	WO 99/13195	WO 00/26501
GB 2353811	GB 2275286		

Other Documents:

Office Action for serial no. 10/348,212 dated April 16, 2004

This Information Disclosure Statement is being filed under the provisions of 37 CFR §1.97(b)(3), which provides for the timely filing of an Information Disclosure Statement before the mailing of a first Office Action on the merits.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Further, the filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

Written notification that the listed documents have been considered in their entirety, by return of a copy of the enclosed form completed by the examiner, is respectfully requested.

Respectfully submitted,

KONNEKER & SMITH, P.C.



Marlin R. Smith
Attorney for Applicants
Registration No. 38,310

Dated: May 11, 2004

660 North Central Expressway
Suite 230
Plano, Texas 75074
(972) 516-0030

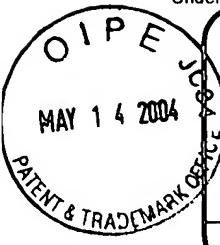
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on MAY 11, 2004
Shawn Smith

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PTO/SB/08A (08-00)

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1 of

3

Complete if Known

Application Number	10/773,899
Filing Date	February 6, 2004
First Named Inventor	David J. Steele
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	2002-IP-008437 U1 USA

U.S. PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		5,479,986		Gano et al.	01-02-1996	
		6,026,903		Shy et al.	02-22-2000	
		5,979,560		Nobileau	11-09-1999	
		6,253,852		Nobileau	07-03-2001	
		5,330,007		Collins et al.	07-19-1994	
		5,388,648		Jordan, Jr.	02-14-1995	
		5,655,602		Collins	08-12-1997	
		5,695,008		Bertet et al.	12-09-1997	
		5,718,288		Bertet et al.	02-17-1998	
		6,252,852		Rowles et al.	06-26-2001	
		6,336,507		Collins	01-08-2002	
		6,564,867		Ohmer	05-20-2003	
		6,056,059		Ohmer	05-02-2000	
		6,089,320		LaGrange	07-18-2000	
		5,613,557		Blount et al.	03-25-1997	
		6,253,850		Nazzai et al.	07-03-2001	
		6,703,095		Busshoff et al.	03-09-2004	
		5,350,481		Shepard et al.	09-27-1994	
		6,648,075		Badrak et al.	11-18-2003	
		4,982,625		Bonner	01-08-1991	

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (MPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Application Number	10/773,899
		Filing Date	February 6, 2004
		First Named Inventor	David J. Steele
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
Sheet	2	of	3
		Attorney Docket Number	2002-IP-008437 U1 USA

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet

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of

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Group Art Unit				Unassigned	
Examiner Name				Unassigned	
Sheet	3	of	3	Attorney Docket Number	2002-IP-008437 U1 USA

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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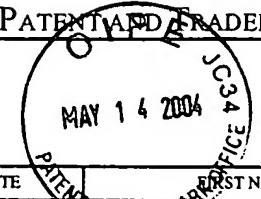
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/348,212	01/21/2003	David J. Steele	2002-IP-008438 U1	6293
20558	7590	04/16/2004	EXAMINER	
KONNEKER & SMITH P. C. 660 NORTH CENTRAL EXPRESSWAY SUITE 230 PLANO, TX 75074			NEUDER, WILLIAM P	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 04/16/2004



Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/348,212	STEELE ET AL.
	Examiner William P Neuder	Art Unit 3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-15,22-28,30-39,41-48,55-61,63-69,72-83 and 85-87 is/are rejected.
- 7) Claim(s) 16-21,29,40,49-54,62,70,71 and 84 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/23/03 and 12/24/</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____. |

Notice of References Cited

Application/Control No.

10/348,212

Applicant(s)/Patent Under

Reexamination

STEELE ET AL.

Examiner

William P Neuder

Art Unit

3672

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,613,557 A	03-1997	Blount et al.	166/277
	B	US-6,253,850 B1	07-2001	Nazzai et al.	166/277
	C	US-6,703,095 B2	03-2004	Busshoff et al.	428/36.91
	D	US-5,350,481 A	09-1994	Shepard et al.	156/423
	E	US-6,648,075 B2	11-2003	Badrak et al.	166/381
	F	US-4,982,625	01-1991	Bonner, Ben V.	81/53.2
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

DETAILED ACTION

Claim Objections

Claims 11,24 and 57 are objected to because of the following informalities: In claim 11, line 2; "grater" should be --greater--. In claims 24 and 57, line 1, no antecedent basis could be found for "the bonding step". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6,11-14,22-24,27,30-33,37-39,41-47,55-57,60,63,64,67-69,74-77,81-83 and 85-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Blount et al.

Blount discloses apparatus and method for expanding a structure in a well. Structure 42 is positioned in an unexpanded state within the well (fig. 4). Structure 42 is expanded within the well to the expanded state. Shear force is increased between the layers because adhesive or mechanical locking means are provided between the layers. As to claims 2,43,74 and 87, the structure is collapsed from an initial configuration to the unexpanded configuration (see col. 5, lines 50-55). As to claims 3 and 31, the layers displace relative to one another and resistance to displacement is increased by use of adhesive or mechanical bonding. As to claims 4,37,67 and 81, the layers are mechanically locked (see fig. 13). As to claims 5 and 6, the layers can be adhesively

bonded (see col. 5, lines 45-50). As to claims 11,44 and 68, it is inherent that an inner layer 42 is yielded more than an outer layer 42 since the inner layer must be expanded further than the outer layer. As to claims 12,13,45 and 46, the means can be expanded by applying pressure to a bladder 34. As to claims 14,47 and 69, it is inherent that tension will be applied to the outer layers and compression to the inner layer when the expansion force is removed since the structure of Blount et al is the same as the claimed structure. As to claims 22 and 55, the layers are spaced apart by the adhesive. As to claims 23,24,32,33,41,42,56,57,64,75,76,77,85 and 86, adhesive is placed between the layers and bonding occurs after placement of the adhesive. Adhesive bonding is considered to be chemical bonding. As to claims 27 and 60, fig. 3A shows sealant 23,25 engaging the tubular. As to claims 38,39,82 and 83, fig. 13 shows interlocking profiles and these interlocking profiles will increase friction between the layers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

Art Unit: 3672

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15,25,26,48,58,59,72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blount et al.

As to claims 15 and 48, it would have been considered obvious to connect a cementing shoe to the structure of Blount et al since any known well tool could be combined with the structure of Blount et al. As to claims 25,26,58,59,72 and 73, it would have been considered an obvious design choice to form the inner layer having a greater thickness or a lesser thickness since no criticality is required as evidenced by the claims.

Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blount et al in view of Badrak et al.

Blount is described above and is considered to disclose all of the claimed limitation except for the use of a gripping means carried on the expandable structure.

Badrak discloses gripping means 440 on an expandable structure. It would have been considered obvious to place gripping means on the structure of Blount et al as taught by Badrak so that the device of Blount et al could be hung in a well.

Claims 10,36,66 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blount et al in view of Busshoff et al.

Blount et al (see above) is considered to disclose all of the claimed features except for the use of a heat-activated adhesive. Busshoff et al teaches that heat activated adhesives are known. It would have been considered obvious to use a heat activated adhesive as taught by Busshoff in the device of Bonner since any known adhesive could be substituted for the adhesive in Blount since they are equivalent parts for performing equivalent functions.

Claims 7-9,34,35,65,78 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blount et al in view of Shepard et al or Bonner.

Blount et al is considered to disclose all of the claimed features except for the adhesive being placed in capsules and fracturing the capsules when the adhesive is to be released. Both Bonner and Shepard disclose that it is known to place adhesives in capsules and fracture the capsules when it is desired to release the adhesive. It would have been considered obvious to place the adhesive of Blount et al in capsules as taught by Bonner or Shepard since placement of the adhesive in fracturable capsules ensures placement of the adhesive at the desired time.

Allowable Subject Matter

Claims 16-21,29,40,49-54,62,70,71 and 84 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P Neuder whose telephone number is 703-308-2150. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William P Neuder
Primary Examiner
Art Unit 3672

W.P.N.



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Cmpl to If Known

Application Number	10/348,212
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First Named Inventor	DAVID J. STEELE
Group Art Unit	3672
Examiner Name	UNASSIGNED
Attorney Docket Number	2002-IP-008438 U1

U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	4/15/04
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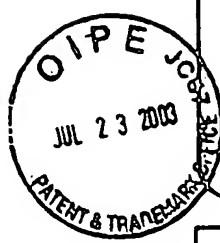
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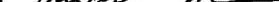
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		Group Art Unit	3672
		Examiner Name	UNASSIGNED
Sheet	1	of	2
		Attorney Docket Number	2002-IP-008438 U1



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GROUP 3600

Examiner Signature		Date Considered	4/13/07
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		Attorney Docket Number	2002-IP-008438 U1



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/348,212
Filing Date	JANUARY 21, 2003
First Named Inventor	DAVID J. STEELE
Group Art Unit	3672
Examiner Name	UNASSIGNED
Attorney Docket Number	2002-IP-008438 U1

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	4/13/04
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¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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